

REMARKS

Claims 1-11 and 17-33 are pending in the present application. By this Response, claims 22-29 and 31 are amended for proper dependency. Reconsideration of the claim is respectfully requested.

I. Examiner Interview

Applicants thank Examiner Luu for the courtesies extended to Applicant's representative during the December 2, 2004 telephone interview. During the interview, the differences between the prior art and the presently claimed invention were discussed. Examiner Luu stated he would consider the arguments presented by the Applicant. The substance of the interview is summarized in the remarks of sections that follow.

II. Objection to Claims

The Office Action states that claim 22-29 and 31 are improperly dependent. In response, the claims 22-29 and 31 are amended to overcome this objection.

III. 35 U.S.C. § 102, Alleged Anticipation, Claims 1-11 and 17-33

The Office Action rejects claims 1-11 and 17-33 under 35 U.S.C. § 102(b) as being anticipated by Butler et al. (U.S. Publication No. US 2002/0007493 A1). This rejection is respectfully traversed.

As to claim 1, the Office Action states:

As to claim 1, Butler teaches the invention as claimed, including a method in a data processing system presenting changes to data, the method comprising:

receiving a user input through a first program in a first instance of a browser (page 4 para [0045 – 006]);

placing the user input in a variable; retrieving the user input from the variable through a second program (page 2 para [0021]; page 4 para [0045-0046]);

processing, by the second program, the user input to form a result; and presenting the result in a second instance of the browser (page 5, para [0057-0058]).

Office Action dated September 16, 2004, page 4.

Claim 1, which is representative of the other rejected independent claims 21 and 32 with regard to similarly recited subject matter, reads as follows:

1. A method in a data processing system presenting changes to data, the method comprising:
 - receiving a user input through a first program in a first instance of a browser;
 - placing the user input in a variable;
 - retrieving the user input from the variable through a second program;
 - processing, by the second program, the user input to form a result;
 - and
 - presenting the result in a second instance of the browser.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 21 U.S.P.Q.2d 1031, 1034 (Fed Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that Butler does not teach every element of the claimed invention arranged as they are in the claims. Specifically, Butler does not teach receiving a user input through a first program in a first instance of a browser; placing the user input in a variable; retrieving the user input from the variable through a second program; processing, by the second program, the user input to form a result; and presenting the result in a second instance of the browser.

Butler is directed to a video broadcast system where a broadcast source broadcasts a video stream and provides accompanying supplemental data files. Each supplemental data file is an HTML file having instructions for rendering a hyperlink overlay on the video stream. A receiver is configured to receive the video stream and accompanying

supplemental data files and to display the hyperlink overlays in conjunction with the video stream. The overlays are designed having backgrounds of a pre-determined value which are used as a color key in receiving equipment. Specifically, the receiving equipment is configured to render video only in display areas that are set to the color key value.

Thus, in the Butler system a video stream is rendered "behind" a hyperlink overlay, and the backgrounds of the overlay appears transparent. Control data is provided with the HTML files to indicate when the overlays should be rendered and to provide other instructions on how the HTML files should be handled by the receiving equipment. Butler does not teach receiving a user input through a first program in a first instance of a browser. The Office Action alleges that this feature is taught in paragraphs 45 and 46, which read as follows:

Overlay window 200 is preferably implemented using an ActiveX™ control that is designed specifically for displaying an HTML-formatted document. Such an ActiveX™ HTML control is configured to also allow browsing or navigating among documents by activating hyperlinks. ActiveX™ is a standard for interchangeable components that has been defined by Microsoft Corporation. ActiveX™ controls are display entities that allow a user or viewer to interact with programs through the display. In this case, the control displays an HTML-formatted document, allows the user to activate hyperlinks, and retrieves and displays the targets of such hyperlinks. A conventional HTML browser can alternatively be used for displaying the hyperlink overlays.

Rather than associating displayed icons with hyperlinks, it is also possible to create a totally transparent imagemask (using HTML terminology) to be overlaid on top of the video. This results in "hot spots" on the screen that can be clicked on for an action to occur. An example of this might be to create a hotspot on top of an actor's body; clicking on the hotspot would reveal what the character was thinking. Another example: a user could click on Tim Allen's Binford saw during an episode of "Tool Time" to find out more information about it such as where to purchase it.

In these paragraphs, Butler describes user interaction with the ActiveX control system that allows for web browsing and navigation among documents. In this section, Butler describes the activation of a hyperlink by the user, where the information associated with that hyperlink is retrieved and rendered. There is no first program running in this instance of the browser that receives user input.

Additionally, Butler does not teach placing the user input in a variable, which is received from a first program in a first instance of a browser. The Office Action alleges that this feature is taught in paragraph 21, which reads as follows, and paragraphs 45 and 46, shown above.

The supplemental digital data content preferably comprises one or more hyperlink overlays. Each hyperlink overlay includes one or more hyperlinks. A hyperlink is a displayed region or entity that can be selected or activated by a viewer. Each hyperlink has a target, indicating some other content (usually stored in a data file) that can be rendered for the viewer. When a hyperlink is activated, its target is retrieved and rendered. For example, if the target is a text document, the document is displayed. If the target is a file containing a digitized sound clip, the sound clip is rendered. The most common use of hyperlinks is to move or "navigate" from one document or object to another.

(Paragraph [0021])

In this section, Butler describes supplemental digital data comprising hyperlinks and that the hyperlinks display a region or entity that may be activated by a viewer. When a user selects the hyperlink, the document or sound file associated with the hyperlink is retrieved and rendered. Nowhere in these sections, or any other section of Butler, is it taught to receive user input and place the input into a variable. It seems that the Office Action is trying to equivocate the activation of the Butler hyperlink to receiving user input. Applicant respectfully submits, while the selection and activation of a hyperlink may be considered to be receiving user input, the selection and activation of a hyperlink is not input which is placed in a variable, but, rather, the selection and activation of the hyperlink merely causes the document or sound file associated with the hyperlink to be retrieved and rendered. There is no teaching in the Butler reference as to receiving anything other than a link selection from the user and that link selection is not placed anywhere.

Additionally, Butler does not teach retrieving the user input from the variable through a second program. The Office Action alleges that this feature is taught in paragraphs 21, 45 and 46, shown above. As discussed above, all of these sections describe the selection of a hyperlink by a user and retrieving and rendering of the

document or file associated with the hyperlink in a second browser. Nowhere does Butler teach retrieving the user input from the variable through a second program. Butler merely teaches the selection of a hyperlink by the user in the first instance of a browser and based on that selection rendering the selected hyperlink in a second instance of a browser. Butler does not teach a second program that receives user input from the variable that was placed in the variable through a first program running in a first instance of a browser.

Furthermore, Butler does not teach processing, by the second program, the user input to form a result and presenting the result in a second instance of the browser. The Office Action alleges that this feature is taught in paragraphs 57 and 58, which read as follows:

Alternatively, control data might define multimedia objects that are not transparent hyperlink overlays. When this is the case, a separate application program is launched, such as an HTML-compatible browser, to render the object defined by a supplemental data file. Such an application program is launched in its own, independent window, and in the case of visually-oriented objects, can be viewed alongside the video stream.

As noted, control data, transmitted along with the supplemental data files, indicates how the supplemental data files should be handled. Primarily, the control data indicates times at which the data files should be rendered or made visible. In addition, the control data indicates what should happen when a viewer activates a hyperlink from within an overlay. Generally, activating a hyperlink causes its target to be displayed or otherwise rendered. However, there are two options when a hyperlink's target is another transparent overlay: the target can either replace the currently displayed overlay or the target can be displayed by an independent browser in a new window that is opened just for this purpose. If the hyperlink's target is not a transparent overlay, there is only one choice: the target is displayed in a new window by launching an appropriate application program. Step 234 thus includes a step of launching application programs as required to render non-overlay content targeted by hyperlinks.

In these paragraphs, Butler describes the launching of other programs in response to the selection of a hyperlink by a user. While this section teaches the presentation of information associated with a hyperlink in a second browser, there is no second program that is mentioned that processes the user input to form a result. The information retrieved and presented in the first or second browser is not user input which is processed by a

second program and presented in a second instance of a browser. The information presented is information associated with the hyperlink and not user input that has been processed and is only presented in a second browser.

Independent claims 10, 17, 30 and 33 recite similar features to that of independent claims 1, 21 and 32. That is, independent claim 10, which is representative of the other rejected independent claims 30 and 33 with respect to similarly recited subject matter, recites "placing the user input in a class variable in response to receiving the user input; processing the user input to form a result; and displaying the result in a second graphical user interface." Independent claim 17 recites "a first program, wherein the first program displays a first graphical user interface to receive a user input and places the user input in a class variable; and a second program, wherein the second program retrieves the user input from the class variable, processes the user input to form a result, and presents the result in a second graphical user interface.

Thus, Butler does not teach each and every feature of independent claims 1, 10, 17, 21, 30, 32 and 33 as is required under 35 U.S.C. § 102. At least by virtue of their dependency on independent claims 1, 10, 17, 21 and 30, the specific features of dependent claims 2-9, 11, 18-20, 22-29 and 31 are not taught by Butler. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1-11 and 17-33 under 35 U.S.C. § 102.

Furthermore, Butler does not teach, suggest or give any incentive to make the needed changes to reach the presently claimed invention. Absent the Examiner pointing out some teaching or incentive to implement Butler such that user input is placed in a variable the user input is retrieved from the variable through a second program the second program processes the user input to form a result, and the result is presented in a second instance of the browser, one of ordinary skill in the art would not be led to modify Butler to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion or incentive to modify Butler in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicant's disclosure as a template to make the necessary changes to reach the claimed invention.

Moreover, in addition to their dependency from independent claims 1, 10, 17, 21 and 30, the specific features recited in dependent claims 2-9, 11, 18-20, 22-29 and 31 are

not taught by Butler. For example, with regard to claims 2, 3, 4, 8, 20, 22, 23, 24 and 28, Butler does not teach where the user input is an input changing display characteristics of a graphical object being displayed in the second instance of the browser; where the user input is a search query; where the variable is a class variable; where the user input is a query and where the processing step comprises: sending the query to a server; and receiving a result; or where the user input is one of a search query, attribute for a graphical object, and a command. The Office Action alleges that this feature is taught in paragraphs 21 and 45, shown above. As discussed above, these sections describe the selection of a hyperlink by a user and retrieving and rendering of the document or file associated with the hyperlink. There is no section of Butler that teaches display characteristics of a graphical object or the changing of the display characteristics for a graphical object. There is no section of Butler that teaches a search query; in fact, the term "query" does not appear in the Butler reference. Additionally, there is no section of Butler that teaches a variable much less a class variable, in fact, the term "variable" does not appear in the Butler reference.

As an additional example, with regard to claims 9 and 29, Butler does not teach wherein the user input is a change to a graphical object being displayed in the second instance of the browser and wherein the processing step comprises: altering a display of the graphical object in the second instance of the browser using the user input. The Office Action alleges that this feature is taught in paragraphs 21 and 45, shown above. As discussed above, all of these sections describe the selection of a hyperlink by a user and retrieving and rendering of the document or file associated with the hyperlink. There is no section of Butler that teaches display characteristics of a graphical object or the altering of the display of a graphical object whether in a first or second instance of a browser using user input.

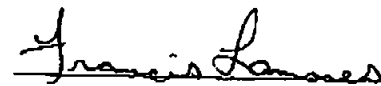
Therefore, in addition to being dependent on independent claims 1, 10, 17, 21 and 30, dependent claims 2-9, 11, 18-20, 22-29 and 31 are also distinguishable over Butler by virtue of the specific features recited in these claims. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 2-9, 11, 18-20, 22-29 and 31 under 35 U.S.C. § 102.

IV. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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